

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

**WILLIAM A, MATTHEWS,**

**Plaintiff,**

**V.**

**TYSON FOODS, INC., and**

**TYSON FARMS, INC.,**

**Defendants.**

**No. 1:22-cv-1192-STA-jay**

## ORDER GRANTING DEFENDANTS' MOTION FOR EXTENSION

Before the Court is the parties’ stipulation, evidencing their agreement to give Defendants Tyson Foods, Inc. and Tyson Farms, Inc. an extension of time to prepare and file a reply brief in further support of their pending motion to dismiss. Local Rule of Court 12.1(c) gives a party moving for the dismissal of a claim the right to file a reply brief within 14 days after the non-moving party serves its response. Local R. 12.1(c). Neither the Federal Rules of Civil Procedure nor the Local Rules of this Court provide for stipulations to extend the time in which one party must act. Rule 6(b) governs extensions of time and states that “[w]hen an act may or must be done within a specified time, *the court may*, for good cause, extend the time with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires.” Fed. R. Civ. P. 6(b)(1)(A) (emphasis added); *see also AES-Apex Emp. Servs., Inc. v. Rotondo*, 924 F.3d 857, 867 (6th Cir. 2019) (“Docket control, however, is something that rests in the sound discretion of the district court.”). The Local Rules do not address extensions of time generally. However, Local Rule 16.5 prohibits trial continuances based only on a stipulation of the parties

and specifically requires the filing a written motion unless there is an emergency. Local R. 16.5; Fed. R. Civ. P. 7(b) (requiring all requests for court orders to be made by motion).

The parties' agreement to extend Defendants' reply deadline is arguably inconsistent with the Federal Rules of Civil Procedure and the Local Rules. Rule 6(b) clearly vests discretionary authority to extend time with district courts, and Rule 7(b) requires parties to a civil action to request court orders through motions, not stipulations. In any event, the Court will construe the parties' stipulation as an unopposed motion for extension of time. The Motion is **GRANTED**. Defendants will have until December 26, 2022, in which to submit their reply brief.

**IT IS SO ORDERED.**

**s/ S. Thomas Anderson**  
S. THOMAS ANDERSON  
CHIEF UNITED STATES DISTRICT JUDGE

Date: December 14, 2022